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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,373	08/14/2001	Nobuhiro Mishima	018987-035	6424
7590	06/01/2005		EXAMINER	
Platon N. Mandros BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			BAYAT, ALI	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/928,373	MISHIMA, NOBUHIRO	

Examiner	Art Unit	
Ali Bayat	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11/08/04.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 15 and 16 is/are allowed.
- 6) Claim(s) 1-5 and 8-14 is/are rejected.
- 7) Claim(s) 6 and 7 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 August 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Response to Amendment

1. Applicant's arguments see amendment filed on 11/08/04, with respect to the rejection(s) of claim(s) 1-15 under 35 U.S.C.103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Darel et al. (US 6,024,018) and Katayam et al. (US 5,909,505).

Claim Rejections - 35 USC § 101

2. **35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 14, invention is directed to non-statutory subject matter. The following formats are acceptable and not subject to a 101 rejection: "A computer program embodied in a computer readable medium for performing the steps of"; and "A computer readable medium storing a program for performing the steps of ..."; a statutory product with descriptive material must include a positive recitation of the computer readable medium—MPEP 2106.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter

as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darel et al. (U.S. 6,024,018) in view of Katayama et al. (U.S. 5,909,505).

In regard to claim 1, Darel provides for a data converting unit for converting color data that is contained in image data (col.3 lines 40-45, see RGB), into converted color data (col. 3 lines 40-45, see Lab color space) that corresponds to a difference from a reference color (col. 3 lines 40-45, see calculating the color difference ΔE between the test and reference ROIs); Ito does not provide expressly for a coding unit for performing entropy coding on converted image data in which the color data has been converted by the data converting unit . Katayama provides for a coding unit for performing entropy coding on converted image data in which the color data has been converted by the data-converting unit (Fig.11A element 218, col.11 lines 60-65). The prior art of Darel and Katayama are combinable because they are from the same field of endeavor (color conversion). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Katayama with the system and method of Darel. Because the invention of Katayama provides for maintaining high image quality, and performing image encoding with high efficiency col.2 lines 20-23.

With regard to claims 2 and 10, Darel provides for the image data is made up of the color data (col.3 lines 40-45, , note a*, b*), and image data coding device further comprises a color space converting unit for converting original image data (col.3 lines

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40-45, note RGB) that is made up of a plurality of color components (col.3 lines 40-45, note RGB), into the image data (col.3 lines 40-45, not L*a*b*).

As to claim 3. See claim 2 above. It recites similar limitations as claim 2. Hence it is similarly analyzed and rejected.

In regard to claims 4 and 11 Darel provides for a image data coding device, wherein the data converting unit includes a determining unit for determining the reference color using the color data that has yet to be converted (col.3 lines 40-45).

With regard to claims 5 and 12, Darel provides for an image data coding device, wherein the reference color is an achromatic color (col.3 lines 50-59, note CMYK).

With regard to claims 8 and 9. See claim 1 above. They recite similar limitations as claim 1. Hence they are similarly analyzed and rejected.

In regard to claim 13. See claim 1 above. It recites similar limitations as claim 1. Except for a storage medium (Fig.6 element 82). Hence it is similarly analyzed and rejected.

Allowable Subject Matter

4. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowed Claims

5. Claims 15 and 16 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of Darel in combination with Katayama provides for limitations in claims (1,8-9 and 13), but failed to teach or suggest for a difference between a condition of the color data and a condition of data for a reference color corresponds to a difference between a color expressed by the color data and the reference color, the condition of the data for the reference color being set at maximum or minimum at least in a predetermined range including the reference color in claims 15-16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 571-272-7444. The examiner can normally be reached on M-F 9:00-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Bayat AB
Patent examiner
Group Art Unit 2625
5/24/05

KANJISHAI PATEL
PRIMARY EXAMINER